

Sprint

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Sprint PCS

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July 15, 1999

VIA HAND DELIVERY

Magalie Roman Salas, Secretary
Federal Communications Commission
445 12th Street, S.W.
Room TW-B204
Washington, DC 20554

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JUL 15 1999
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

**Re: Ex Parte Notification: *Further Notice of Proposed Rulemaking,*
Communications Assistance for Law Enforcement Act,
CC Docket No. 97-213**

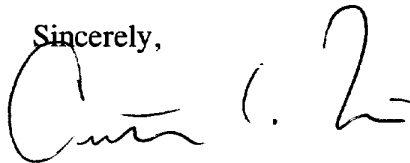
Dear Ms. Salas:

Today, Spectrum L.P. d/b/a Sprint PCS ("Sprint") delivered by messenger to Geraldine Matisse, Deputy Chief of the Policy and Rules Division of the FCC's Office of Engineering Technology, the attached letter regarding the above referenced proceeding.

Pursuant to section 1.1206(a)(1) of the Commission's rules, Sprint is filing an original and two copies of this notice.

Please contact the undersigned with any questions

Sincerely,



Anthony C. Traini
Legal Analyst

Attachments

cc: Geraldine Matisse, Deputy Chief, Policy Rules Division, OET, FCC

No. of Copies rec'd 0+2
List A B C D E



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Jonathan Chambers
Vice President and Associate General Counsel

Sprint PCS[™]

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July 15, 1999

VIA HAND DELIVERY

Ms. Geraldine Matise, Deputy Chief
Policy and Rules Division
Office of Engineering Technology
Federal Communications Commission
The Portals, 445 12th Street, S.W.
Washington, D.C. 20554

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**Re: Ex Parte Presentation: Further Notice of Proposed Rulemaking,
Communications Assistance for Law Enforcement Act,
CC Docket No. 97-213**

Dear Ms. Matise:

During our *ex parte* meeting on June 24, 1999,¹ you asked Sprint Spectrum L.P., d/b/a Sprint PCS ("Sprint PCS") to provide information concerning the average time it takes today to deliver call-identifying (or "call detail") information to law enforcement agencies ("LEAs").² Typically, LEAs receive from Sprint PCS call detail messages within four to eight seconds from the time Sprint PCS detects the event at the originating switch. This four-to-eight seconds includes both the time to transport the message from the originating/intercepting switch to Sprint PCS's centralized server in Kansas City and the time to transport the message from the server to the LEA listening post using dial-up lines. Sprint PCS has been delivering call detail messages to LEAs through its centralized system for over two years, and not once has any LEA complained that Sprint PCS was not delivering these messages promptly.

Delivery time may exceed eight seconds if Sprint PCS's network in a given market is experiencing significant congestion due to high call volume. In most markets, it is unusual to have the delivery time exceed eight seconds, but in one market, Sprint PCS has experienced more frequent congestion causing longer delivery times.

¹ See Letter from Anthony C. Traini, Sprint PCS, to Magalie Roman Salas, FCC Secretary, CC Docket No. 97-213 (June 25, 1999). Our meeting was conducted on June 24, 1999.

² The so-called timing information issue is limited to the delivery of call detail messages. The FBI has not proposed that the FCC adopt rules governing the delivery of call content interceptions.

Sprint PCS currently uses an X.25 network in transporting call detail messages from originating switches to its centralized server, the same network it uses to transport network alarms. Sprint PCS is planning to replace this network with a new internal transport network utilizing the TCP/IP protocol. Sprint PCS expects that once this conversion is completed, it will realize improved reliability and somewhat faster delivery times for its call detail messages. The conversion is also expected to reduce delays caused by congestion, since call detail messages will no longer be carried over the alarm network.

Section 103(a)(2) of CALEA requires carriers to deliver call detail information “before during, or immediately after the transmission of a wire or electronic communication (or at such later time as may be acceptable to the government).”³ The FBI has asked the Commission to require carriers to deliver call detail information “in as near real time as possible, but no later than three seconds after the occurrence of associated call event.”⁴ In making this recommendation, the FBI readily admits that its three-second proposal is “not the only one that would satisfy Section 103(a)(2).”⁵

Sprint PCS recognizes the need for LEAs to receive call detail messages promptly. However, whether LEAs receive the data in three seconds as opposed to ten seconds or even twenty seconds will not impact their ability to conduct their investigations, including time-sensitive investigations such as kidnapping. Imposing additional precision to the statutory requirement will simply impose needless cost upon industry. If the Commission determines that clarification of the statutory requirement is necessary, Sprint PCS recommends that carriers be required to provide call detail messages “in as near real time as possible.” If the Commission determines that additional precision is necessary, Sprint PCS recommends that the Commission adopt a range of times. Based on its real world experience in supporting LEA interceptions, a range from three to eight seconds between the interception and demarcation points would appear to be realistic and meet law enforcement needs.

Sprint PCS agrees with FBI proposed rule 64.1704(e)(3), which would measure the timing of delivery “from the IAP [intercept access point] to the demarcation point at the carrier facility.” As the FBI acknowledges, any new regulation should not

³ 47 U.S.C. § 1002(a)(2)(A). Completely baseless is the FBI’s assertion that because the J-Standard does not include a set time by which call detail messages must be delivered, carriers are free “to deliver call-identifying information *at a time other than* ‘before, during, or immediately after’ the communications.” FBI Deficiency Petition at 51 ¶ 90 (emphasis added). Sprint PCS is aware of no law or authority that would permit industry to avoid a statutory requirement through the simple expedient of getting together and deciding that it will follow a compliance scheme different than that specified in an act of Congress.

⁴ FBI Deficiency Petition at 52 ¶ 92. *See also* FBI’s Proposed Rule 64.1708(e)(3). The FBI does not propose that the FCC adopt rules governing the delivery of call content interceptions.

⁵ FBI Deficiency Petition at 52 ¶ 93. *See also* FBI Comments at 56-57 (Dec. 14, 1998).


Ms. Geraldine Matise
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extend to facilities beyond a carrier's network and, therefore, beyond its control (*e.g.*, the time necessary to transmit messages from the demarcation point to the LEA listening post).⁶

One other component of the FBI's timing proposal warrants brief comment. Sprint PCS does not object to a time stamp requirement; indeed, it time-stamps LEA call detail messages. However, the FBI proposes "an accuracy rate of 100 milliseconds (ms) for time stamps (*i.e.*, no more than 100 ms difference between the time of the event and the time recorded in the time stamp)."⁷ Different switch types have different capabilities, and many of Sprint PCS's switch types are not currently capable of guaranteeing an accuracy of 100 ms. Sprint PCS does not know whether an accuracy rate of 100 ms is achievable by its manufacturers or what kind of development work would be involved. The FBI, however, has never explained why it requires accuracy within 100 ms, rather than say, one second. Sprint PCS recommends that the Commission at most require that the time stamp be added "in as near real time as possible, but in any event, not later than one second."

Feel free to contact me if you have any questions concerning the foregoing, or questions concerning any other matter concerning CALEA implementation.

Sincerely,


Jonathan M. Chambers

⁶ See FBI Reply at 53 (Jan. 27, 1999) ("The carrier is not responsible for any delays in delivery beyond the demarcation point; . . . the delivery time beyond that point is law enforcement's responsibility.").

⁷ FBI Deficiency Petition at 51 ¶ 92.